

UNITED STATES DISTRICT COURT
for the
Southern District of Illinois

Arlinda Johns Pro,se _____)
Plaintiff(s) _____)
v. _____) Case Number: 16-cv-603-NJR-PMF
Continental tires the Americas _____)
Defendant(s) _____)
(To be supplied by Clerk's Office)

EMPLOYMENT
DISCRIMINATION COMPLAINT

Plaintiff brings a complaint against Continental tires the Americas
[defendant(s)] for discrimination as set forth below.

Plaintiff DOES DOES NOT demand a jury trial.

I. PARTIES

Name and Address of Plaintiff:

Arlinda Johns 3216 Ashland Ave
Knoxville Tn, 37914

Name and Address of Defendant(s):

Continental Tires the Americas
Kim L. Kretzschmar
Senior Counsel
Continental
One Continental Drive
Auburn Hills, Mi 48326

The plaintiff was:

- denied employment by the defendant(s).
- hired and is still employed by the defendant(s).
- employed but is no longer employed by the defendant(s).

The alleged discrimination began on or about: Nov 15, 2012 (give month, day, and year).

II. JURISDICTION

1. Jurisdiction over this claim is based on 28 U.S.C. § 1331. Plaintiff alleges that the defendant(s) discriminated against Plaintiff because of Plaintiff's:

- Sex (Title VII of the Civil Rights Act of 1967, as amended, 42 U.S.C. § 2000e-5)
- Race (Title VII of the Civil Rights Act of 1967, as amended, 42 U.S.C. § 2000e-5, and/or 42 U.S.C. § 1981)
- Age (The Age Discrimination in Employment Act, 29 U.S.C. § 621)
- Disability (The Americans with Disabilities Act, 42 U.S.C. § 12101 and/or The Rehabilitation Act, 29 U.S.C. § 701)
- National Origin (Title VII of the Civil Rights Act of 1967, as amended, 42 U.S.C. § 2000e-5)
- Religion (Title VII of the Civil Rights Act of 1967, as amended, 42 U.S.C. § 2000e-5)
- Other (list): sexual orientation

2. Plaintiff Has Has Not filed a charge before the United States Equal Employment Opportunity Commission (EEOC) relating to this claim of employment discrimination. [Attach a copy of charge to this complaint].

Plaintiff Has Has Not filed a charge before the Illinois Department of Human Rights relating to this claim of employment discrimination. [Attach a copy of charge to this complaint].

3. Plaintiff's Right to Sue Notice from the EEOC was received on or about _____ (date). [Attach a copy of Notice of Right to Sue to this complaint].

III. STATEMENT OF LEGAL CLAIM

Plaintiff is entitled to relief in this action because:

The Plaintiff was harassed, threatened, and discriminated against, during the course of her responsibilities as a final finish set up technician at Continental tire, for two years that she was employed there in direct violation of Title 42 USC sect. 2000(e).

IV. FACTS IN SUPPORT OF CLAIM

State here briefly and clearly as possible the essential facts of your claim. Take time to organize your statement. You may use numbered paragraphs if you find it helpful. Describe precisely how each defendant in this action is involved. Give dates and places. Concentrate on describing as clearly and simply as possible the employment practice you allege to be illegal and how it discriminated against you. It is not necessary to make legal arguments or cite any cases or statutes. In most circumstances, this only makes your claim difficult to understand. As much as possible, let the facts speak for themselves.

- 1) The plaintiff was employed as a final finish Set up technician at Continental tire From Oct, 2012 to about Oct 28, 2014.
- 2) The Plaintiff first went to human resources on or about May 2013 talked to Kevin Elko (human resources for truck tires) and presented him with evidence and claims that the plaintiff had gathered over the last few months. The plaintiff expressed to him that her coworkers were calling her Black Dikes, Dumbass, and stated that all the plaintiff needs is some "good dick" or a "good man". She complained specifically about Tim Bays, Tim Sidell and Steve Valeni. It was stated to the plaintiff that he would "talk" to them about their behavior.
- 2) On or about august 2013, The defendant again complained about being called a black dike by Steve Valeni and Tim Bays, she reported this to supervisor Justin Drew. The plaintiff also started recording conversations with supervisors in which she complained about the harassment and name calling.
- 3) On or about sept. 2013, there was a machine breakdown prompting employees to stack tires. Steve Valeni (who is well over 300 lbs an ex marine and body builder) got angry an took his aggression out on the Plaintiff, Mr. Valeni then proceeded to accost the plaintiff get right in her face, calling her a fucking cunt and saying he would break her in half. The plaintiff is 5'7 125 lbs. The plaintiff went to The supervisor Danny in tears saying she was gonna quit and that she was afraid of Valeni. two days later the plaintiff met with Valeni and human resources where he brought a note stating he had forgot to take his meds, human resources found this excuse acceptable and the plaintiff was told to learn to get along.
- 4) On or about sept. 2013 the stress from the harassment cause the plaintiff to start drinking. This is documented with The federal Probation dept. in Benton Illinois. The plaintiff willingly paid 92.00 an hr out of pocket to attend counseling sessions at the H group in Marion Illinois, with Susan Bennet. The plaintiff has months of counseling notes that were entered into federal court about the harassment of the Plaintiff, Federal Public defender interviewed some coworkers and got supporting statements of the harassment and bullying endured by the Plaintiff. This is on public record in Federal Court.
- 5) On or about May 2014 an employee found the Plaintiff facebook account where the plaintiff had posted a photo in 2012 about her offer of employment at continental tire. Her co workers caught wind of the plaintiff salary and unleashed a new barrage of terrorization of the plaintiff. Steve Valeni said " there hasn't been a goddamn nigger here in 40 years" He then started telling coworkers not to "tell the dike" any info about a work activity. Tim Bays said " I can't believe they gave a nigger that much" in reference to my salary. Tim Bays would also print out job openongs from around the plant and place them on the plaintiffs work bike. Tim Bays also drew chalk drawings of a female with dreadlocks with the comments "Tray is th

Continued....

- 5) "the Man" (The Plaintiff is known by her nickname which is Tray)
- 6) On or about august, The plaintiff went to Kevin Elko and John Baker stating with the upcoming shift change she would be scheduled to work with Tim Sidell, The Plaintiff requested a meeting with Human resources and Tim Sidell and also requested that a female representative be present. The reasons given by the Plaintiff to John Baker and Kevin Elko was that the Plaintiff was afraid for her safety and did not wish to work with Tim Sidell without having That meeting first. That meeting never came to fruition and repeated please from the plaintiff.
- 7) on or about august 2014 the plaintiff also complained about the repeated use of the word nigger by her coworkers she reported this to Johns Baker and Kevin Elko and was told that they were inverstigating and that she just had to get along with Tim Sidell and her coworkers
- 8) the plaintiff maintained a diary of these incidents down to the the date time and clothes that her coworkers were wearing at the time of the harrassment, The plaintiff can also provide pictures that were drawn, Notes that were left, and recorded conversations with supervisors, with the plaintiff in tears complaining about the harassment. Also the plaintiff has a witness list of people formerly and currently employed that witnessed the harasment.

V. RELIEF YOU REQUEST

Based on the foregoing, Plaintiff seeks the following relief: (check below what you want the court to do for you – make as many checks as you like, and use additional sheets, if necessary).

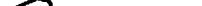
- An award of back pay
- Reinstatement to Plaintiff's old position
- Costs of suit (but not attorney fees)
- An award of money damages
- Other (explain below)

Signed on: 6/1/2016
(date)

3216 Ashland Ave
Street Address

Knoxville Tn, 37914

City, State, Zip


Signature of Petitioner

Signature of Petitioner

Arlinda Johns
Printed Name

Signature of Attorney (if any)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS Arlinda Johns		DEFENDANTS Continental Tires the Americas	
(b) County of Residence of First Listed Plaintiff <u>knox, tn</u> <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i>		County of Residence of First Listed Defendant <u>jefferson county</u> <i>(IN U.S. PLAINTIFF CASES ONLY)</i>	
		NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.	
(c) Attorneys (Firm Name, Address, and Telephone Number)		Attorneys (If Known) Kim L. Kretzschmar, Senior Counsel Continental One Continental Drive Auburn Hills Mi, 48326	
II. BASIS OF JURISDICTION (Place an "X" in One Box Only)		III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)	
<input type="checkbox"/> 1 U.S. Government Plaintiff	<input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)	Citizen of This State	<input type="checkbox"/> PTF <input type="checkbox"/> DEF <input type="checkbox"/> 1 Incorporated or Principal Place of Business In This State <input type="checkbox"/> PTF <input checked="" type="checkbox"/> DEF <input type="checkbox"/> 4 <input checked="" type="checkbox"/> 4
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	Citizen of Another State	<input checked="" type="checkbox"/> 2 <input type="checkbox"/> 2 Incorporated and Principal Place of Business In Another State <input type="checkbox"/> 5 <input type="checkbox"/> 5
		Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 <input type="checkbox"/> 3 Foreign Nation <input type="checkbox"/> 6 <input type="checkbox"/> 6
IV. NATURE OF SUIT (Place an "X" in One Box Only)			
CONTRACT		TORTS	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise		PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	
		PERSONAL PROPERTY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	
REAL PROPERTY		CIVIL RIGHTS	
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property		PRISONER PETITIONS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	
		Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	
V. ORIGIN (Place an "X" in One Box Only)			
<input checked="" type="checkbox"/> 1 Original Proceeding		<input type="checkbox"/> 2 Removed from State Court	
		<input type="checkbox"/> 3 Remanded from Appellate Court	
		<input type="checkbox"/> 4 Reinstated or Reopened	
		<input type="checkbox"/> 5 Transferred from Another District (specify)	
		<input type="checkbox"/> 6 Multidistrict Litigation	
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): Title 42, USC sect. 2000(e)			
VI. CAUSE OF ACTION		Brief description of cause: Discrimination and Harassment in the workplace	
VII. REQUESTED IN COMPLAINT:		<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.	DEMAND \$
		CHECK YES only if demanded in complaint: JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
VIII. RELATED CASE(S) IF ANY		(See instructions): JUDGE DOCKET NUMBER	
DATE <i>6/11/16</i>	SIGNATURE OF ATTORNEY OF RECORD <i>Arlinda Johns pro se</i>		
FOR OFFICE USE ONLY		RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE	

FROM:

Arlinda Johns

3216 Ashland ave
Knoxville TN, 37914



TO:

Clerk of the Court, Civil Claims
U.S. District Court
301 W. ~~Brooks~~ Main St.
Benton IL,
62812

MAIL CLEARING
US MARSHALS